

Serial No. 09/938,791
Attorney Docket No. 41937-2004

REMARKS / ARGUMENTS

This Amendments and Response to Office Action is filed in response to the Office Action of March 31, 2005.

Applicants would like to thank the Examiner of the oath/declaration notice, and are working to prepare a supplemental declaration to include the citizenship of each inventor. However, one of the inventors has passed away, while another resigned from the assignee company. Proper action is being taken, but the executor and heir of the deceased and the resigned inventor are unreachable in an immediate manner. Applicants will subsequently submit the supplemental declaration in a petition in accordance with 37 C.F.R. 1.17(h).

The abstract of the disclosure is objected to because of the length of the abstract exceeds 150 words. Claim 14 is rejected under 35 U.S.C. 112 as lacking sufficient antecedent basis. Claims 1-4, 15, and 16-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Herigstad et al., U.S. Patent No. 6,731,316 B2 (hereinafter, "Herigstad"). Claims 5-14 and 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herigstad and further in view of CE Software Incorporated, "Quickeys for Macintosh" (hereinafter, "CE").

With entry of the above amendments and consideration of the reasons stated below, Applicants respectfully submit that the rejections set forth in the outstanding Office Action are overcome.

I. Objection of the abstract.

The abstract of the disclosure is shortened to be less than 150 words in this amendment. Applicants submit that the objection has been overcome, and its withdrawal is respectfully requested.

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II. Rejection of claim 14 under 35 U.S.C. 112 as lacking sufficient antecedent basis.

The "data exchange system" in line 1 of Claim 14 has been replaced in this Amendments and Response to Office Action with the "navigation system," which has sufficient antecedent basis. Applicants submit that the rejection has been overcome, and its withdrawal is respectfully requested.

III. Rejection of claims 1-4, 15, and 16-22 as being anticipated by Herigstad.

Claims 1-4, 15, and 16-22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Herigstad. This rejection is respectfully traversed at least because Herigstad fails to teach and suggest each and every element of the amended claims.

Amended claim 1 recites "said user issuing said interface request by pressing a single key on a keyboard of said computer; said key corresponding to text-based program option information in proximity to a discrete option menu presented to said user by said application software program." Herigstad discloses an approach to organize visual information for display on electronic devices so as to provide a visually intuitive interface for assisting a user in interacting with the devices. See col. 3, lines 55-58. As shown in FIGs. 2A-2C, 4A-4D, 8, 10, 11A and 11B, Herigstad accomplishes the intuitive association by having the display show visual information that is logically partitioned into regions or sections, and having the geometric configuration or physical layout of the regions correspond to the geometric configuration and physical layout of the keys on the keypad. See col. 4, lines 43-50. Specifically, the display is

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partitioned into 9 regions that correspond with the 9 keys on the keypad. *See* col. 6, lines 4-6, as well as the figures mentioned above.

In contrast, the present invention discloses a navigation system, in which services are clearly outlined on the display screen of the computer with a visual-effect symbol corresponding to its intended functionality. The intuitive manner that the present invention adopts is by numbering numeric and functional keys sequentially to present a group of functional selections to a user. For at least the foregoing reasons, Applicants respectfully submit that amended claim 1 patently distinguishes over Herigstad.

By virtue of their respective dependency upon claim 1, dependent claims 2-4 are also patentable over the prior art.

Amended claims 15 and 17 also recite similar elements. For at least the same foregoing reasons, Applicants respectfully submit that amended claims 15 and 17 patently distinguish over Herigstad.

By virtue of their respective dependency upon claims 15 and 17, dependent claims 16 and 18-22 are also patentable over the prior art.

IV. Rejection of claims 5-14 and 23-32 under 35 U.S.C. 103(a) as being unpatentable over Herigstad as applied to claims 1, 15 and 17 above, and further in view of CE.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skills in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success to combine the teachings of the references. Finally, the prior art reference (or references when

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combined) must teach or suggest all the claimed elements. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art references and not based on applicant's disclosure. See MPEP §706.02(j).

While Herigstad relied on the physical layout between the display and the keypad to provide the intuitive association, as mentioned above, CE offers the intuitive association by automating any routine or repetitive task. Specifically, CE records keystrokes and mouse-clicks, and then plays them back when needed. Neither of which is in the same line of reasoning as disclosed in the present invention, where intuitive association is accomplished by numbering numeric and functional keys in sequence to present a group of functional selections to a user. Therefore, one of ordinary skills in the art would not be motivated to modify or combine these two reference teachings to achieve the present invention. Additionally, because Herigstad focuses on the physical layout correspondence approach to accomplish intuitive association, and CE focuses on automation of computer tasks, one of ordinary skills in the art would not have reasonably expected that combining corresponding physical layout with computer automation would succeed. Last but not least, the prior art references when combined do not teach each and every claimed elements of the present invention; namely they do not teach to accomplish an intuitive association by numbering numeric and functional keys in sequence to present a group of functional selections to a user. For at least these reasons, it is submitted that the obviousness rejection is inadequate, and its withdrawal is respectfully solicited.

CONCLUSION

For at least the foregoing reasons, it is believed that all of pending claims 1-32 of the present application patently define over the prior art references and are in proper condition for

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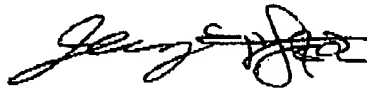
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allowance. Furthermore, because no new claim is added, no additional fees are required. In the event, however, that additional fees are required to complete this filing, Commissioner is authorized to deduct any deficiencies from Deposit Account 13-0480, Attorney Docket No. 41937-2004.

If the Examiner has any questions regarding this filing or the application in general, Examiner is invited to contact Applicants' attorney at the below-listed telephone number.

Respectfully submitted,



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